

REMARKS

In the non-final Office Action, the Examiner rejects claims 1-8, 12, 17, 19, 21, 22, and 41-44 under the judicially created doctrine of double patenting as conflicting with claims 1-13 and 21-24 of GALLANT (U.S. Patent Application Publication No. 2002/0057693); rejects claims 1, 2, 4, and 9 under the judicially created doctrine of double patenting as conflicting with claims 1, 4, 5, and 7 of HALL et al. (U.S. Patent Application Publication No. 2002/0061101); allows claims 26-29, 31, and 33-40; and objects to claims 10, 11, 13-16, 18, 20, and 23-25 as dependent upon a rejected base claim. Applicants respectfully traverse the above claim rejections.¹ Claims 1-29, 31, and 33-44 remain pending.

Applicants note with appreciation the indication that claims 26-29, 31, and 33-40 are allowable over the art of record and that claims 10, 11, 13-16, 18, 20, and 23-25 would be allowable if rewritten to include the features of the base claim and any intervening claims.

Claims 1-8, 12, 17, 19, 21, 22, and 41-44 stand rejected as allegedly conflicting with claims 1-13 and 21-24 of GALLANT. Applicants respectfully traverse this rejection.

37 C.F.R. 1.78(b) states:

[w]here two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application

¹ As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

may be required in the absence of good and sufficient reason for their retention during pendency in more than one application.

Applicants submit that claims 1-8, 12, 17, 19, 21, 22, and 41-44 of the present application and claims 1-13 and 21-24 of GALLANT do not conflict.

Claim 1 of GALLANT recites, in part, a multi-service control point operable to receive an input extracted from an input ATM setup message that includes a called party phone number value and a VToA designator, generate an alias ATM address of a called party CPE that corresponds to a network gateway in communication with a PSTN switch through a plurality of trunk lines and a desired trunk line of the plurality of trunk lines, and generate an output in response for use in generating an output ATM setup message. Claim 1 of the present application does not recite this combination of features.

Claim 1 of GALLANT and claim 1 of the present application are not identical. Moreover, the above features of claim 1 of GALLANT are patentably distinct from any feature recited in claim 1 of the present application. Thus, claim 1 of the present application does not conflict with claim 1 of GALLANT.

For at least the foregoing reasons, Applicants respectfully request that the rejection of claim 1 as conflicting with claims 1-13 and 21-24 of GALLANT be reconsidered and withdrawn.

Claims 2-8, 12, 17, 19, 21, and 22 depend from claim 1. Therefore, these claims do not conflict with claims 1-13 and 21-24 of GALLANT for at least the reasons given above with respect to claim 1.²

² As Applicants' remarks with respect to the base independent claims are sufficient to overcome the Examiner's rejections of all claims dependent therefrom, Applicants' silence as to the Examiner's assertions

Claim 41 of the present application recites determining an ATM address of a called party CPE using the called party phone number value and a database. Claim 21 of GALLANT does not recite this feature. Moreover, claim 21 of GALLANT recites generating an alias ATM address of a called party CPE that corresponds to a network gateway in communication with a PSTN switch through a plurality of trunk lines and a designated trunk line of the plurality of trunk lines using the called party phone number. Claim 41 of the present application does not recite this feature.

Claim 41 of the present application and claim 21 of GALLANT are not identical. Moreover, the above feature of claim 41 of the present application is patentably distinct from any feature recited in claim 21 of GALLANT. Also, the above feature of claim 21 of GALLANT is patentably distinct from any feature recited in claim 41 of the present application. Thus, claim 41 of the present application does not conflict with claim 21 of GALLANT.

For at least the foregoing reasons, Applicants respectfully request that the rejection of claim 41 as conflicting with claims 1-13 and 21-24 of GALLANT be reconsidered and withdrawn.

Claims 42-44 depend from claim 41. Therefore, these claims do not conflict with claims 1-13 and 21-24 of GALLANT for at least the reasons given above with respect to claim 41.

Claims 1, 2, 4, and 9 stand rejected as allegedly conflicting with claims 1, 4, 5, and 7 of HALL et al. Applicants respectfully traverse this rejection.

with respect to dependent claims is not a concession by Applicants to the Examiner's assertions as to these

Claim 1 of HALL et al. recites, in part, a multi-service control point operable to receive an input extracted from an input ATM setup message that includes a called party phone number value and a VToA designator, execute a closed user group service to determine whether to authorize a VToA call between a calling party and a called party, and generate an output in response for use in generating an output ATM setup message. Claim 1 of the present application does not recite this combination of features.

Claim 1 of HALL et al. and claim 1 of the present application are not identical. Moreover, the above features of claim 1 of HALL et al. are patentably distinct from any feature recited in claim 1 of the present application. Thus, claim 1 of the present application does not conflict with claim 1 of HALL et al.

For at least the foregoing reasons, Applicants respectfully request that the rejection of claim 1 as conflicting with claims 1, 4, 5, and 7 of HALL et al. be reconsidered and withdrawn.

Claims 2, 4, and 9 depend from claim 1. Therefore, these claims do not conflict with claims 1, 4, 5, and 7 of HALL et al. for at least the reasons given above with respect to claim 1.

In view of the foregoing remarks, Applicants respectfully request the Examiner's reconsideration of this application, withdrawal of the double patenting rejections of claims 1-9, 12, 17, 19, 21, 22, and 41-44, and the timely allowance of the pending claims.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues

claims, and Applicants reserve the right to analyze and dispute such assertions in the future.

arise which could be eliminated through discussions with Applicants' representative, then the Examiner is invited to contact the undersigned by telephone to expedite prosecution of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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